

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

BACKWARD CLASSES WELFARE DEPARTMENT – Appeal Petition filed by Sri K.Khaleel Ahmed, S/o. Hussain Sab, PET, Zilla Parishad High School, Hardhageri (V) Halaharvi (M) Kurnool District against the Proceedings of Collector & District Magistrate, Kurnool – On cancellation of Caste Certificate – Appeal allowed – Orders – Issued.

BACKWARD CLASSES WELFARE (C) DEPARTMENT

G.O.Ms.No. 8

Dated: 03.05.2013.

Read the following:-

1. Katika Khaleel Ahmed , S/o Katika Pedda Hussain Sab, Appeal Petition, dated: 13.2.2009.
2. Govt. Memo. No. 769/C1/2009, Dated: 23.1.2010.
3. Proceedings of the Collector & District Magistrate, Kurnool, Rc.CS/484/M/2005, dated: 27-12-2008.
4. Govt. Letter No.769/C1/2009, Dated: 11.7.2011.
5. The Chairman, A.P. Commission for B.Cs. Hyderabad, Lr. dt: 22.9.2011.

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The Appeal Petitioner Sri Katika Khaleel Ahmed, S/o Katika Pedda Hussain Sab, R/o Hardhageri, Kurnool District, selected as P.E.T. under BC-D quota i.e., Katika caste in DSC 2000 on adhoc basis subject to verification of caste, and qualifications etc., and was posted to Z.P. High School Hardhageri Village, Halaharvi Mandal.

2. The District Level Scrutiny Committee has opined that Sri K.Khaleel Ahmed S/o K.P.Hussain Sab, PET, ZPHS, Hardhageri, Halaharvi (M) native of Kosigi Village obtained from the then Mandal Revenue Officer, Kosigi was cancelled with immediate effect declaring that he do not belong to Backward Classes Community in exercise of the powers conferred U/s 5 (1) of A.P., (SCs STs & BCs) Regulation of Issue of Community Certificate Act, 1993 (Act 18 of 1993) read with Rule 9(7) of the A.P. SCs, ST and BC Issue of Community, Nativity and Date of Birth Certificate rules, 1987.

3. After receiving the report the RDO, Adoni, has reported that he enquired into the caste of the individual and his enquiry reveals that the individual belongs to Muslim Religion and the profession of parents to Katika (sealing of Mutton).

4. The Collector & District Magistrate, Kurnool has stated that after careful examination of the evidence of statements, availability of records the applicant does not belongs to "Katika (BC-D) Community and recommended for cancellation of "Katika (BC) Community and recommended for cancellation of "Katika" (BC-D) caste certificate No.264677/97, dated: 15.9.1997 which was issued by the M.R.O., Kosigi. Accordingly the Collector, Kurnool has cancelled the caste certificate of the petitioner as per Act and rules in force.

5. In the reference 3rd read above, the Collector & District Magistrate, Kurnool has furnished the connected records along with para-wise remarks.

6. The appellant in his Appeal Petition has submitted the following grounds in support of his caste claim:-

7. The appellant, Sri. Katika Khaleel Ahmed, Son of Katika Pedda Hussain Sab, Aged: 38 years, Teacher, R/o. Hardhageri, Kurnool district having now temporarily came down to Hyderabad, to solemnly affirm and sincerely stated as follows:

8. The Appellant submitted that he belong to Katika Community. His mother tongue is Marathi mixed under and they are butchers by profession. His forefathers came from Maharashtra and settled in Kurnool District. He submitted that one sect of Marathi speaking Katika & Arekatia Community professed Islam like Dudekulas and daddafs among Telugu speaking communities. One sect of Katikas settled in Kurnool District converted to Islam and since then their ancestors are practicing Islamic customs. However they also worship Thayamma, Yellamma and Eranna Swamy of Urukonda. Though his forefathers professed Islam his community did not merge and mingle with local Muslim communities. They are still identified as a separate sect by their language and profession and Hindu Muslim mixed culture. They do not maintain matrimonial relations outside their sect.

(P.T.O)

9. The Appellant further submitted that Katika and Are-Katika were included in B.C (D) (Professional) group vide G.O.Ms.No. 1793, Education Department, dated: 23.9.1970. He passed B.P.Ed and appeared in D.S.C. 2000 in Kurnool District. He was selected under B.C. (D) category. After his appointment as P.E.T his selection was unilaterally cancelled by the District Educational Officer, Kurnool by order in Rc. No. 1873/A2/2000, dated: 27.12.2000 on the ground that the Tahsildar, Kosigi Mandal has recommended for cancellation of his Caste Certificate. He filed O.A.No. 453/2001 before the Hon'ble A.P. Administrative Tribunal and the Hon'ble A.P. Administrative Tribunal was pleased to set aside the orders of the District Educational Officer, on the ground that the DEO, Kurnool should not have cancelled the appointment without enquiry by the competent authority. Pursuant to the judgment in the said O.A, he was reinstated into service on 22.4.2001 while referring the matter for enquiry to the Collector & District Magistrate, Kurnool.

10. The Appellant further submitted that the Collector, Kurnool caused an enquiry through the R.D.O. Adoni Division, Kurnool District, Tahsildar, Kosigi Mandal, Kurnool District. The R.D.O. Adoni Division, Kurnool District and Tahsildar, Kosigi Mandal, Kurnool District have collected statements from his relatives, Officers of the Revenue Department and Villagers of Kosigi without proper appreciation of their statements the District Collector, Kurnool passed the impugned orders canceling appellant's Caste Certificate No. 264677/1977 issued by the Mandal Revenue Officer, Kosigi. The orders were communicated to appellant under Registered Letter No. 2211, dated: 7.2.2009 received by the appellant on 9.2.2009. Several people belonging to Katika Community are in Government Service in Kurnool District, those evidences were not taken into consideration at all.

11. Therefore, he prayed the Hon'ble Authority to set aside the Order & notification on the file of the District Collector & Magistrate, Kurnool in Rc. No. C6/484/M/288, dated: 27.12.2008, in the interests of justice and pass such other order or orders as are deemed fit and proper in the circumstances.

12. In the reference 5th cited, the Chairman, A.P. Commission for B.Cs. Hyderabad has opined that the Commission expresses its inability to give any opinion on the subject, and it is not proper for the Commission to exercise the powers conferred on the Government. Government may take its own decision under the powers conferred under Section 7(2) of the Act.

13. The Appeal petitioner Sri K.Khaleel Ahmed S/o Hussain Sab, PET, ZPH School Hardhageri (V) Halaharvi (M) Kurnool District was requested to attend the hearing on 21.4.2012 at 11.30 a.m. before the Government in person or through Counsel.

14. Government after careful examination of the entire matter hereby allow the appeal petition filed by Sri K.Khaleel Ahmed S/o late Katika Hussain Sab and in exercise of the powers conferred under Section 7(2) of A.P. (SCs STs and BCs) Regulation of issue of Community Certificate Act, 1993, and Rules, 1997, the Proceedings of the District Collector & Magistrate, Kurnool District dated: 27-12-2008 are hereby quashed.

15. The original records (containing CF and NF pages) are herewith returned to the District Collector & Magistrate, Kurnool District and the receipt of the same may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Ar.SUKUMAR
PRINCIPAL SECRETARY TO GOVERNMENT

To

1. The District Collector, Kurnool,
2. Sri Katika Khaleel Ahmed, S/o Katika Pedda Hussain Sab,
PET, Zilla Parishad High School, R/o. Hardhageri (V) Halaharvi (M) Kurnool District
3. The Revenue Divisional Officer,
Adoni Division, Kurnool District.
4. The Tahsildar, Kosigi Mandal,
Kurnool District.
5. The District Educational Officer,
Kurnool District.
6. The P.S. to M(BCW).
7. Sf/Sc.

//FORWARDED:: BY ORDER//

SECTION OFFICER